
By: **Delegate Boschert**

Introduced and read first time: January 21, 2004

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws - Signal Preemption Device - Prohibition**

3 FOR the purpose of prohibiting a person, subject to certain exceptions, from
4 possessing or using a signal preemption device with the capability of changing a
5 traffic control signal to green out of sequence; prohibiting a person from
6 knowingly selling a signal preemption device except to certain persons to be
7 used for certain purposes; prohibiting a person from purchasing a signal
8 preemption device for any use other than the performance by the purchaser of
9 certain duties; establishing maximum fines and terms of imprisonment for
10 misdemeanor and felony violations of this Act; defining certain terms; and
11 generally relating to prohibiting the possession, use, sale, or purchase of signal
12 preemption devices.

13 BY adding to
14 Article - Transportation
15 Section 21-206.1 and 27-101(w)
16 Annotated Code of Maryland
17 (2002 Replacement Volume and 2003 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
19 MARYLAND, That the Laws of Maryland read as follows:

20 **Article - Transportation**

21 21-206.1.

22 (A) IN THIS SECTION, "SIGNAL PREEMPTION DEVICE" MEANS A DEVICE WITH
23 THE CAPABILITY OF CHANGING A TRAFFIC CONTROL SIGNAL TO GREEN OUT OF
24 SEQUENCE.

25 (B) (1) THIS SUBSECTION DOES NOT APPLY TO THE FOLLOWING:

26 (I) A LAW ENFORCEMENT AGENCY IN THE COURSE OF PROVIDING
27 LAW ENFORCEMENT SERVICES;

1 (II) A FIRE COMPANY IN THE COURSE OF PROVIDING FIRE
2 PREVENTION OR FIRE EXTINGUISHING SERVICES;

3 (III) AN EMERGENCY MEDICAL SERVICE ENTITY IN THE COURSE OF
4 PROVIDING EMERGENCY MEDICAL TRANSPORTATION OR AMBULANCE SERVICES;

5 (IV) A RESCUE SQUAD IN THE COURSE OF PROVIDING EMERGENCY
6 RESCUE SERVICES;

7 (V) AN EMPLOYEE OR AGENT OF A SIGNAL PREEMPTION DEVICE
8 MANUFACTURER OR RETAILER IN THE COURSE OF EMPLOYMENT PROVIDING,
9 SELLING, MANUFACTURING, OR TRANSPORTING A SIGNAL PREEMPTION DEVICE TO A
10 PERSON LISTED IN THIS SUBSECTION; OR

11 (VI) AN EMPLOYEE OR AGENT OF A MAIL OR PACKAGE DELIVERY
12 SERVICE IN THE COURSE OF SHIPPING OR DELIVERING A SIGNAL PREEMPTION
13 DEVICE.

14 (2) A PERSON MAY NOT POSSESS A SIGNAL PREEMPTION DEVICE.

15 (C) (1) THIS SUBSECTION DOES NOT APPLY TO ANY PERSON SPECIFIED IN
16 SUBSECTION (B)(1)(I) THROUGH (IV) OF THIS SECTION.

17 (2) A PERSON MAY NOT USE A SIGNAL PREEMPTION DEVICE TO ALTER
18 THE OPERATION OF A TRAFFIC CONTROL SIGNAL ON A HIGHWAY.

19 (D) (1) A PERSON MAY NOT KNOWINGLY SELL A SIGNAL PREEMPTION
20 DEVICE TO ANY PERSON OTHER THAN A PERSON SPECIFIED IN SUBSECTION (B)(1)(I)
21 THROUGH (V) OF THIS SECTION.

22 (2) A PERSON MAY NOT KNOWINGLY SELL A SIGNAL PREEMPTION
23 DEVICE FOR ANY USE OTHER THAN PERFORMANCE OF THE PURCHASER'S DUTIES AS
24 DESCRIBED IN SUBSECTION (B)(1)(I) THROUGH (V) OF THIS SECTION.

25 (E) A PERSON MAY NOT PURCHASE A SIGNAL PREEMPTION DEVICE FOR ANY
26 USE OTHER THAN PERFORMANCE OF THE PURCHASER'S DUTIES AS DESCRIBED IN
27 SUBSECTION (B)(1)(I) THROUGH (V) OF THIS SECTION.

28 27-101.

29 (W) (1) IN THIS SUBSECTION, "SERIOUS BODILY INJURY" HAS THE MEANING
30 STATED IN § 27-113 OF THIS SUBTITLE.

31 (2) AN INDIVIDUAL WHO IS CONVICTED OF A VIOLATION OF §
32 21-206.1(B)(2) OF THIS ARTICLE IS GUILTY OF A MISDEMEANOR AND ON CONVICTION
33 IS SUBJECT TO IMPRISONMENT FOR NOT MORE THAN 90 DAYS OR A FINE OF NOT
34 MORE THAN \$5,000 OR BOTH.

35 (3) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPHS (II) THROUGH (IV)
36 OF THIS PARAGRAPH, AN INDIVIDUAL WHO IS CONVICTED OF A VIOLATION OF §

1 21-206.1(C)(2) OF THIS ARTICLE IS GUILTY OF A FELONY PUNISHABLE BY
2 IMPRISONMENT FOR NOT MORE THAN 2 YEARS OR A FINE OF NOT MORE THAN \$10,000
3 OR BOTH.

4 (II) AN INDIVIDUAL WHO IS CONVICTED OF A VIOLATION OF §
5 21-206.1(C)(2) OF THIS ARTICLE RESULTING IN A TRAFFIC ACCIDENT IS GUILTY OF A
6 FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 5 YEARS OR A FINE
7 OF NOT MORE THAN \$15,000 OR BOTH.

8 (III) AN INDIVIDUAL WHO IS CONVICTED OF A VIOLATION OF §
9 21-206.1(C)(2) OF THIS ARTICLE RESULTING IN SERIOUS BODILY INJURY IS GUILTY OF
10 A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 10 YEARS OR A
11 FINE OF NOT MORE THAN \$20,000 OR BOTH.

12 (IV) AN INDIVIDUAL WHO IS CONVICTED OF A VIOLATION OF §
13 21-206.1(C)(2) OF THIS ARTICLE RESULTING IN THE DEATH OF ANOTHER IS GUILTY OF
14 A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 15 YEARS OR A
15 FINE OF NOT MORE THAN \$25,000 OR BOTH.

16 (4) AN INDIVIDUAL WHO IS CONVICTED OF A VIOLATION OF § 21-206.1(D)
17 OR (E) OF THIS ARTICLE IS GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT
18 FOR NOT MORE THAN 2 YEARS OR A FINE OF NOT MORE THAN \$10,000 OR BOTH.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 2004.